

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

Item #6

June 10, 2004

**Barbara A. Sears**  
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Mr. Richard Weaver  
Maryland-National Capital Park and  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Preliminary Plan No. 1-98092 Rock Spring Center (the "Preliminary Plan")

Dear Mr. Weaver:

This firm represents Camalier Limited Partnership and Davis Brothers Farm Limited Partnership ("Davis/Camalier"), owner, and the Penrose Development Company LLC, developer (collectively, the "Applicants"), of the property that is the subject of the referenced Preliminary Plan, which was approved by the Planning Board by Opinion dated October 25, 1999, attached as Attachment "1" (the "Opinion"). As discussed below, the purpose of this letter is to request a modification Condition 1 of the Opinion to modify the mix of uses specified for development limitation in accordance with the approved adequate public facilities review for the preliminary plan.

Condition No. 1 of the Opinion reads as follows:

Prior to recording of plat(s), Applicant to submit an Adequate Public Facilities (APF) Agreement with the Planning Board limiting development to 637,200 square feet of office, 340,000 square feet of Retail, including a 30,000 square foot Community Center, and 1,250 Multi-Family Dwelling Units; and providing for the roadway improvements and conditions outlined in the revised Transportation Planning Division Memorandum dated May 27, 1999 and the Maryland Department of Transportation (MDSHA) memorandum dated May 11, 1999.

The Applicant proposes to revise the approved mix of development identified in Condition No. 1 to substitute a 200 room hotel for 97,300 square feet of approved office development. We have reviewed the substitution of the approved office development for the proposed hotel development with Transportation Planning Staff and, as noted in the attached letter to Ron Welke dated May 14, 2000 (Attachment "2"), Transportation Staff has agreed that the proposed modifications come within the trip and job approvals of the Preliminary Plan. No

Mr. Richard Weaver  
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other modifications to the Opinion are requested. Accordingly, we request Condition 1 of the Opinion be revised as follows:

- (1) Approval under this Preliminary Plan is limited to the following:
- 539,900 square feet of office
  - 200 room hotel
  - 340,000 square feet of retail, including a 30,000 square foot community center
  - 1250 multi-family dwelling units

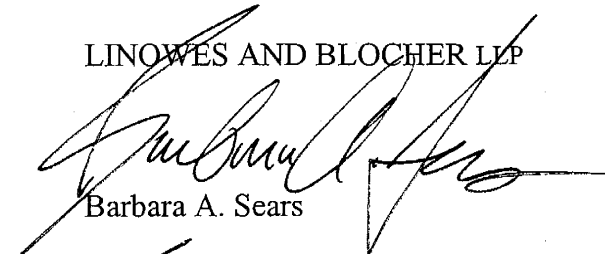
The Applicant shall comply with the conditions outlined in the revised Transportation Planning Design memorandum dated May 27, 1999 and the Maryland Department of Transportation (MDSHA) memorandum dated May 11, 1999.

Enclosed please find a completed application form for an Amendment to Approved Preliminary Plan, an adjoining and confronting property owner's list and the filing fee. Upon review, if you have questions, please call. Thank you.

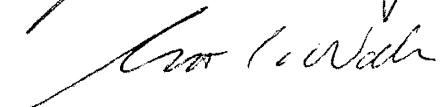
Best regards.

Very truly yours,

LINOWES AND BLOCHER LLP



Barbara A. Sears



Scott C. Wallace

Enclosures

cc: Mr. Ron Welke  
Mr. Ed Axler  
Olav B. Kollevoll, Esquire

Mr. Richard Weaver

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Mr. Mark Gregg  
Mr. John Davis  
Mr. Chris Camalier  
Mr. Chris Kabatt  
Mr. Marty Wells  
Mr. Jim Soltesz

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

May 14, 2004

Barbara A. Sears  
301.961.5157  
bsears@linowes-law.com

Via Hand Delivery

Ronald C. Welke  
Coordinator, Transportation Planning  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Rock Spring Centre - Preliminary Plan of Subdivision 1-98092 ("Preliminary Plan")

Dear Ron:

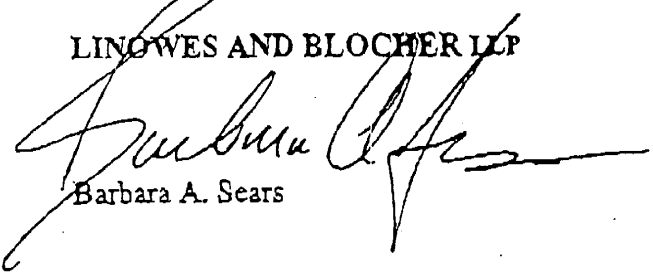
Chris Kabbat and I appreciate the time that you and Ed Axler spent meeting with us last Friday to discuss the proposal by Penrose to modify the approved Preliminary Plan to reduce the approved office use by 97,300 square feet and include a hotel of 200 rooms. Pursuant to our discussions, we have modified the Table prepared by Wells & Associates and reviewed at our meeting to correct the Current Plan retail generation numbers which were in error on the Table, and to add a column reflecting the impact of the shift on jobs.

Based on our discussions, it is our understanding that the proposed revisions come within the trip and job approvals of the Preliminary Plan. As indicated, it is our intention to request an amendment to the condition identifying the uses so as to make the use adjustments discussed.

Thank you again for your time and cooperation. Should you have any questions, please feel free to call me.

Very truly yours,

LINOWES AND BLOCHER LLP

  
Barbara A. Sears

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Ronald C. Welke  
May 14, 2004  
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cc: Marty Wells  
Chris Kabbat  
Ole Kollevoll  
Mark Gregg  
Ed Axler

Table 1  
 Rock Spring Centre  
 Trip Generation Comparison

Land Use	Size	Units	AM Peak Hour	PM Peak Hour	Jobs (1)
<u>Preliminary Plan of Subdivision 1-98092</u>					
Residential (2)		1,250 DU	438	500	0
Office (2)		637,200 S.F.	892	892	2,832
Retail (2)		310,000 S.F.	155	868	775
N.B. Community Center (2)		30,000 S.F.	<u>32</u>	<u>42</u>	<u>60</u>
<b>Total</b>			<b>1,517</b>	<b>2,302</b>	<b>3,667</b>
<u>Current Plan</u>					
Retail		310,000 SF	155	868	775
Community Center (2)		30,000 SF	32	42	60
Office (2)		539,900 SF	756	756	2,400
Hotel (3, 4)		200 Rooms	97	118	420
Residential, High Rise (2)		705 DU	247	282	0
Residential, Low Rise (5)		<u>155</u> DU	<u>65</u>	<u>74</u>	<u>0</u>
		860			
Subtotal			1,352	2,140	3,655
Avalon Bay (2)		<u>390</u> DU	137	156	0
		1,250			
<b>Grand Total</b>			<b>1,488</b>	<b>2,296</b>	<b>3,655</b>
<b>Difference (Current - Approved)</b>			<b>-28</b>	<b>-6</b>	<b>-12</b>
<b>Percent Difference</b>			<b>-2%</b>	<b>0%</b>	<b>0%</b>

Notes: (1) Job generation rates

Retail	400
Community Center	500
Office	225
Hotel	500

- (2) Trip generation based on previously approved trip generation rates.  
 (3) Based on Trip Generation, 7th Edition, Institute of Transportation Engineers.  
 (4) Assumes 210,000 square foot hotel.  
 (5) Based on Local Area Transportation Review Guidelines, July, 2002.



WELLS & ASSOCIATES, LLC

TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

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May 17, 2004

VIA FACSIMILE (301) 495-1302 (Five (5) Pages)

Ronald C. Welke  
Supervisor, Transportation Planning  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Scoping Letter Request:  
Rock Spring Centre  
Montgomery County, Maryland

Dear Mr. Wolke:

As a follow-up to our meeting of May 7, 2004, I am writing to establish study parameters, and request background information, for an additional 192,800 square feet of office development which has been pending in the Queue for Rock Spring Centre. As discussed, the new developer, Penrose, wish to proceed to obtain APFO approval for this additional development under the revised AGP, effective July 1, 2004. The subject site is generally bounded by I-270 on the north, Rock Spring Drive on the south, Old Georgetown Road on the east, and Rockledge Drive on the west. The subject property is located in the North Bethesda Policy Area.

The approved Preliminary Plan of Subdivision 1-98092 contains the following development program:

310,000 S.F.	Retail
30,000 S.F.	Community center
637,200 S.F.	Office
1,250 D.U.	Residential

Penrose proposes to develop the following, amended development program:

310,000 S.F.	Retail, supermarket, food and beverage
30,000 S.F.	Community center
539,900 S.F.	Office
200 Room	Hotel
1,250 D.U.	Residential (including the 390 units that have been built by Avalon Bay Communities)

As discussed at the May 7, 2004 meeting with you, the proposed development program generates less or equivalent amount of vehicle-trips and jobs than the approved Preliminary Plan of Subdivision. Penrose intends to pursue this revision as a separate matter prior to July 1, 2004.

As indicated above, the 192,800 S.F. of office remains in the queue and Penrose plans to file an application to develop the 192,800 S.F. of office. This application would be subject to the new laws for Local Area Transportation Review (LATR), which being on July 1, 2004.

We propose to conduct a traffic study for the proposed 192,800 S.F. of office. More particularly, we propose to use the following study parameters:

Capital Improvements. The Democracy Boulevard/I-270 Spur Southbound Ramps intersection is presently under construction. Improvements to this intersection will be taken into account in the capacity analyses.

Trip Generation. We propose to use the previously-approved Rock Spring Centre trip generation rates.

Trip Distribution. We will distribute traffic to the area road network based on the "Trip Distribution and Traffic Assignment Guidelines".

Directional Split. The directional split of site traffic entering or leaving the site during peak hours will be determined based on the LATR guidelines.

Critical Lane Volume Analysis. The CLV method and local congestion standards will be used to evaluate adequacy under existing, background, and total future conditions.



Existing Traffic Counts. We propose the same study area as the April 16, 1999 study, including the following intersections (also shown on the attached map):

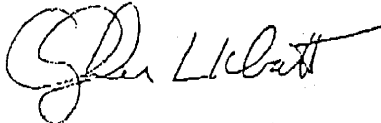
1. Old Georgetown Road/Tuckerman Lane.
2. Old Georgetown Road/I-270 (North).
3. Old Georgetown Road/I-270 (South).
4. Old Georgetown Road/Rock Spring Drive.
5. Old Georgetown Road/Democracy Boulevard.
6. Democracy Boulevard/Rockledge Drive.
7. Democracy Boulevard/Fernwood Road.
8. Democracy Boulevard/I-270 Spur Southbound Ramps.
9. Democracy Boulevard/Westlake Drive/Crestberry Place.
10. Westlake Drive/Westlake Terrace.
11. Tuckerman Lane/Westlake Drive.
12. Rock Spring Drive/Rockledge Drive.
13. Rock Spring Drive/Fernwood Road.
14. Fernwood Road/Rockledge Drive.
15. Rockledge Drive/Rockledge Connector.
16. Rockledge Connector/I-270 (South).
17. Rockledge Connector/I-270 (North).

The vehicular and pedestrian traffic counts at these intersections would have to be conducted in May or June of this year, while public schools are still in session. The weekday counts would be conducted from 6:30 AM to 9:30 AM and from 4:00 PM to 7:00 PM.

Pipeline Projects. We request that you provide us with the location and development programs for all pipeline projects that are located within the study area.

Should you have any questions regarding this request, please give Marty Wells or me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Kabatt".

Christopher L. Kabatt, P.E.  
Senior Associate

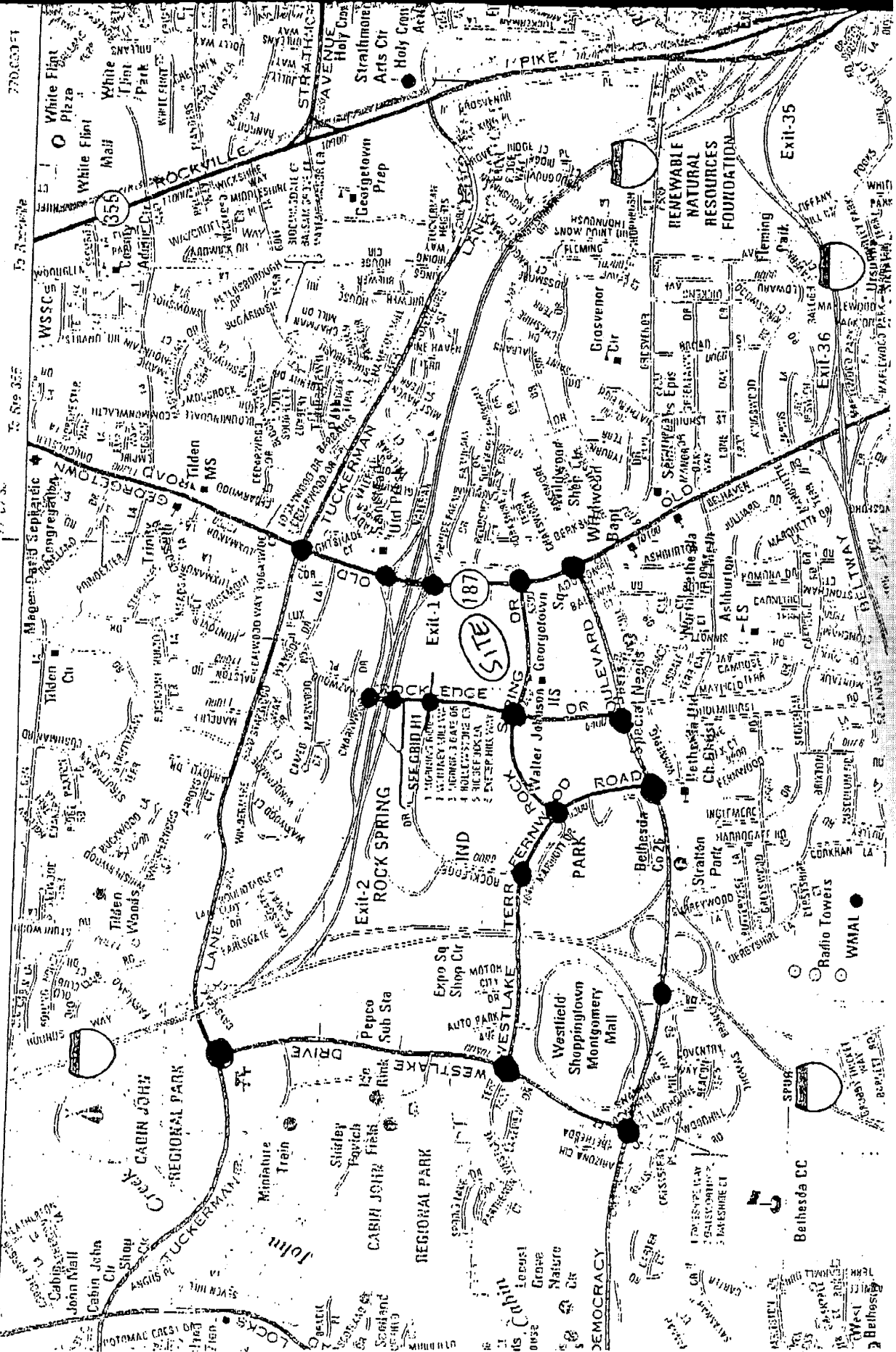
Cc: Ed Axler  
Mark Gregg  
Barbara Sears

See ADC's "MONTGOMERY COUNTY, MD STREET MAP" For Continuation

750-000 CT

To Section 2

To Section 2



770-000 FT

To Section 2

To Section 2

To Section 2

To Section 2

To Section 2

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